IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.596 OF 2004
IN
WRIT PETITION NO.1832 OF 2000

Smt. Saraswati Dalmia & ors. .. Appellants
v/s.

Collector of Mumbai City & ors. .. Respondents

Mr.R.A.Dada, senior counsel with Mr.Pradeep Sancheti i/by M/s.Khaitan & Co. for appellants.

Mr.S.S.Naphade, senior counsel with Ms.Geeta Shastri for respondent Nos.1 to 5.

Mr.Mahendra Ghelani i/by M/s.Law Charter for respondent No.6.

Mr.Jayesh Vyas i/by M/s.Bilawala & Co. for repsondent Nkos.7 to 45 and 47.

Mr.Navneet Shah for respondent No.46.

Mr.Girish Pandit for respondent NO.49.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 5th October, 2004

P.C.

The learned senior counsel for the appellants submits that the appellants are desirous of withdrawing the writ petition No.1832 of 2000 to enable them to prosecute ordinary remedy of civil suit.

2. The learned senior counsel and the counsel for the other respondents do not have any objection to the withdrawal of the writ petition but they submit that in so far as appellants' remedy of civil suit

is concerned, it has become time barred.

3. Having considered the submissions of the learned senior counsel and the counsel appearing for the parties, we are satisfied that this appeal may be disposed of by following order:-

(i) Writ petition No.1832 of 2000 is allowed to be withdrawn.

(ii) Upon withdrawal of the aforesaid writ petition, the judgment dated 18th August, 2004 passed by the learned Single Judge is rendered ineffective and as a result thereof, this appeal has also become infructuous.

(iii) Liberty to the present appellants to prosecute the ordinary remedy of civil suit for redressal of their grievance. All contentions of the parties including the issue of limitation and also concerning the order dated 18th August, 1997, passed by the Collector of Mumbai City, the order dated 12th June, 1998, passed by the Commissioner of Konkan Division and the order dated

4th May, 2000 passed by the Revenue Minister are kept open to be agitated in the civil suit.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)